

OPENING OF THE COPTIC LAW TERM FOR 2024

Keynote address delivered on 12 February 2024 at St Marys & St Minas Coptic Orthodox Cathedral, 339 Forrest Road, Bexley

Justice Elisabeth Peden

- 1 I am delighted to have the opportunity to attend this service at St Marys and St Minas Coptic Orthodox Cathedral.
- 2 I extend my thanks to the Church leaders for inviting all of us here this evening. Thank you for accommodating me and the other the judges who are in attendance tonight.
- 3 Chief Justice Bell sends his apologies that he is not able to be here this evening and sends his best wishes.
- 4 Tonight is an important opportunity for members of the legal profession and the judiciary, members of the Coptic faith and others, to come together and meet and make new connections or strengthen existing ones and talk about what the coming year might hold. That interaction is more important than anything I could possibly say, and I will be very brief.
- 5 Our tradition of marking the commencement of each new Law Term with religious services is an ancient one. Its origins lie in the much closer union between church and state, which used to exist in late medieval England than is now present in modern Australia. Then, there was little tolerance for diversity in religious practice, which thankfully is much more present in our Australian society.
- 6 However, we are all aware that there is still some prejudice and persecution here and in our world. The legal community has an important role in being ready to advocate for fairness and tolerance within our society.
- 7 Services like this one are important, because they provide an opportunity to recognise the ongoing contributions which the members of different faiths make to the administration of justice in this country. Whatever religious belief a person

may hold, they are able to and entitled to enter the legal profession and help defend the rights of others and uphold the rule of law. A person's simultaneous commitment to both their faith and upholding the rule of law strengthens both the institution of our legal system and our religious institutions.

8 Both institutions, while serving different functions, have their own long histories.

9 As you may be aware 2024 marks the bicentenary of the Supreme Court of NSW. So, what is it that happened in 1824?

10 When the First Fleet arrived in Sydney civil and criminal courts had already been established for New South Wales by Letters Patent known as the Charter of Justice of 1787. Those letters patent were read to the assembled convicts and officers by Governor Arthur Phillip on 26 January 1788.

11 Those first courts were soon found to be inadequate. There were few legal practitioners and the growing free settler population demanded an increase in commercial and civil justice.

12 In 1814, new courts with civil jurisdiction were established, in what is referred to as the second Charter of Justice.

13 In 1819, John Thomas Bigge, a barrister of the Inner Temple in London, was appointed by the British Government as a Commissioner to conduct an enquiry into the Colony's administration. One recommendation was that the Colony's judicial system be radically overhauled.

14 As a result, Francis Forbes, previously Chief Justice of Newfoundland, drafted new legislation, which was passed by the British Government. Its provisions included the establishment of a Supreme Court of New South Wales and the appointment of a Chief Justice and other officers necessary for the administration of the Court. This document was the third Charter of Justice.

15 On 17 May 1824, the Supreme Court was established by an official reading of the Charter of Justice, and Francis Forbes was appointed as the first chief

justice. Since then, the Court has continued to exercise full jurisdiction in civil and criminal matters based on the provisions of that Charter.

16 Despite developments, court's original identity has been preserved by the Supreme Court Act 1970 (NSW). In nearly all respects, the Supreme Court has maintained continuity with the Court founded in 1824. Chief Justice Bell is our 18th Chief Justice.

17 There will be many events this year to celebrate the bicentenary and I encourage you all to be involved.

18 Obviously, the history of the Coptic church is much longer than that of the Court, by about a multiple of ten, and much more could be said about it by those, who are better qualified than I am.

19 However, it is notable that both our churches and our legal system look to the consistency of traditions, which help strengthen our sense of community and common purpose.

20 I would like to conclude with a quote from Pope Shenouda III of Alexandria, in Comparative Theology (Coptic Orthodox, 1988)

“It goes without saying that Tradition is a precious heritage and it would be a great loss for any Church to be devoid of it, such becomes a Church without history and without any rules to protect against people interpreting or teaching things according to their own preferences.”

21 Something similar might be said of our legal system.

22 Once again, I extend my thanks to everyone involved in organising tonight's service, and wish you all the very best for the 2024 Law Term.
